

**Board of Forestry and Fire Protection  
Title 14 of the California Code of Regulations**

[Notice Published November 18, 2005]

**NOTICE OF PROPOSED RULEMAKING**

**Amador Plan, 2006**

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations of Title 14 of the California Code of Regulations (14 CCR) described below after considering all comments, objections, and recommendations regarding the proposed action.

**Amend:**

**Division 1.5. Department of Forestry and Fire Protection,**

**Chapter 7. Fire Protection, Article 5.,**

**Standards for Cooperative Fire Protection Contracts During the Non-fire Season**

**§1261. Standards for Personnel Assignment and Cost Apportionment.**

**PUBLIC HEARING**

The Board will hold a public hearing starting at 8:00 A.M., on Thursday, January 5, 2006, at the Resources Building Auditorium, 1<sup>st</sup> Floor, and 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

**WRITTEN COMMENT PERIOD**

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M., on January 2, 2006. The Board will consider only written comments received at the Board office by that time (in addition to those written comments received at the public hearing). The Board requests, but does not require, that persons who submit written

comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection  
Attn: Christopher Zimny  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection  
Room 1506-14  
1416 9<sup>th</sup> Street  
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

[board.public.comments@fire.ca.gov](mailto:board.public.comments@fire.ca.gov)

## **AUTHORITY AND REFERENCE**

Public Resources Code (PRC) 740, 4111 and 4143 authorizes the Board to adopt such rules and regulations as it determines are reasonably necessary to enable it to implement, interpret or make specific sections 4143 of the Public Resources Code. Reference: Public Resources Code sections 740, 4111, 4143, 4144 and 21080.5.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Board is promulgating a regulation necessary to implement a legislative amendment to Public Resource Code (PRC) 4143 and 4144 authorized under Senate Bill (SB) 1356 of 2004, and to update the regulation based on Board and California Department of Forestry and Fire Protection (CDF) policy changes.

The legislation and policy changes, among other things, revise the terms and conditions under which the California Department of Forestry and Fire Protection (CDF) can enter into cooperative fire protection agreements with local jurisdictional entities throughout

California. In general, the regulation expands the types entities the Department may contract with, and eliminates set financial payment limitations that may be reimbursed to CDF for non-fire season services provided.

## **SPECIFIC PURPOSE OF THE REGULATION**

Existing law allows CDF to enter into contracts with local governments to provide fire prevention and suppression and other emergency response services. Such agreements may include cooperative fire protection services during the non-fire season. These contracts are termed “Amador Plan Programs”. Under these agreements, personnel, equipment and facilities are made available during this period to provide fire protection services to local government jurisdictions when it is determined that such agreements are mutually beneficial to both agencies. Local jurisdictions are apportioned costs of base salary costs, and pay for any additional operational expenses due to the local jurisdiction contract obligations. The Amador Program allows local government agencies to have access to year-around fire protection services at an economical cost.

Recent changes to PRC 4143 and 4144 and CDF’s policies for local cooperative agreements have resulted in a number of necessary changes to the Board’s Policy, which is defined in 14 CCR 1261, Standards for Personnel and Assignment for Cost Apportionment. The following subsections describe the specific purpose of each proposed amendment:

Subsection 1261 (a) is amended to eliminate the 50% resources allocation limitations and expand the types of emergency situations that the Director must consider when allocating resources under an Amador Plan. Amendments permit the allocation of resources to be determined by the Director when considering not only the Department’s needs for response to wildland fire protection, but also as needed for other major fires and other natural disasters.

Subsection 1261(b) amends the limitation on the number of post positions which can be assigned to a single fire engine under the cooperative agreement. The previous limit of one post position is amended to allow a sufficient number to meet the operations needs established by the Director.

Subsection 1261 (c) (2) is amended to expand the type of entities which can be contracted with for CDF service. The existing term “county “is replaced with the term “contracting entity” and a list of eligible entity types is added. This section is also amended to state that actual additional cost shall be recovered instead of the existing language which defined a difference between fire and non-fire mission rates.

Subsection 1261 (c) and (d) amends the cost apportionment calculation formula that CDF uses to recover costs for services. Under the proposed amendment, cost apportionment will be based on a formula which calculates sufficient post positions staffing consistent with the current collective bargaining agreement Memorandum of Agreement titled Bargaining Unit 8 Firefighters. The changes deleted the existing calculation basis which

is based on a set number of persons per post position over a 72 Hour work week and allowance for Compensating Time Off (CTO).

## **DISCLOSURES REGARDING THE PROPOSED ACTION**

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None
- Costs or savings to any State agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC 17500: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the State: None
- The Board has made an initial determination that there will be no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Effect on small business: The Board has determined that the proposed amendments will not have an adverse affect on small business. The proposed regulation is designed to provide regulatory relief, leading to substantial reduction in regulatory filing and preparation fees.
- The proposed rules do not conflict with, or duplicate Federal regulations.

## **BUSINESS REPORTING REQUIREMENT**

The regulation does not require a report, which shall apply to businesses.

## **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code 11346.5(a) (13), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## **CONTACT PERSON**

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection  
Attn: Christopher Zimny  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244-2460  
Telephone: (916) 653-9418

The designated backup person in the event Mr. Zimny is not available is Doug Wickizer, California Department of Forestry and Fire Protection, at the above address and phone (916) 653-5602.

## **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request. When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above referenced information is also available on the CDF web site at:

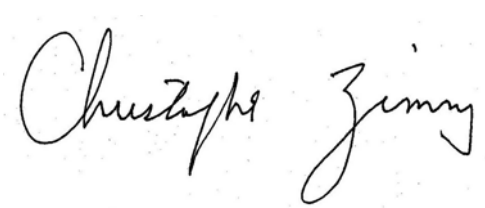
[http://www.fire.ca.gov/BOF/board/board\\_proposed\\_rule\\_packages.html](http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html)

#### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.



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Christopher Zimny  
Regulations Coordinator  
California Department of Forestry and Fire Protection

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